

**BOF Threatened or Impaired Watersheds Rule Review**

**Draft Regulatory Proposal**

**August 27, 2008**

**Group 1 (Goal/Intent and Definitions sections)** 14 CCR §§ 895; 898; 916, 916.1; 916.2; 916.9 (a) and (b);

**Group 3 (Cumulative Impacts and 303(d) listed waterbodies sections)** 916.12

**Group 4 (Water Drafting)** 916.9 (r)\_

**Group 4 (Roads)** 923.9 \_

**Group 4 (Logging)** 916.9 (e), (h), (k), and (n)

**Explanation of Purpose of Draft Proposal (Strawman):** This document is the working draft of the Forest Practice Committee (FPC) on potential regulatory amendments for the T/I rules. It is generally referred to as the "Strawman". The document is the product of the ongoing T/I review process and decisions made by the FPC to date. It represents a "placeholder" of the review and potential decisions made by the FPC to date. It will be subject to many changes as the T/I review continues.

The draft rule amendments shown were generated from 1) evaluation made by the FPC of the existing rules (using criteria in the review process such as science basis, legal authorities, policy basis, economic impacts, enforceability). 2) rule language proposals brought forward by stakeholders, 3) direction by the FPC to staff, and 4) incorporation by staff of selected amendments consistent with FPC direction. Footnotes tagged to the amendments briefly discuss the rationale, purpose, or effects of the amendment.

The draft proposal contains "Optional Amendments" for consideration by the FPC or the Board. The Optional Amendments represent decision points the FPC or the Board will eventually need to make. Information to assist the Board's decision points will be forthcoming from the scientific literature review, ongoing agency and stakeholder input, and advice from Board counsel on legal authorities.

The amendments shown cover only a portion of the suite of T/I rules (those listed above). As further reviews of other subsections are completed, additional amendments to the Draft Proposal will follow. Completion of the Draft Proposal is intended in March of 2009, and will be followed by Board action to issue a 45 Day Notice of Proposed Rulemaking.

1 **§ 895.1. Definitions.**

2 **Active Erosion Site** means an area where erosion and sediment production are  
3 ongoing during any period of the year<sup>1</sup>.

4  
5 **Channel zone** means that area ~~that includes a watercourse's channel at bankfull stage~~  
6 ~~and a watercourse's floodplain, encompassing the area located~~ between the watercourse  
7 transition lines.<sup>2</sup>

8 **One Hundred Year Flood Flow** means that magnitude of peak flow with a one (1)  
9 percent chance of annual occurrence or that would, on the average, occur once every 100  
10 years. This flow shall be estimated by flood flow measurement records and relationships or by  
11 empirical relationships between precipitation, watershed characteristics, and runoff, and may be  
12 modified by direct channel cross-section measurements and local experience.<sup>3</sup>

13  
14 **Riparian-Associated Species** means those plant, invertebrate, fish, or terrestrial  
15 wildlife species that utilize the riparian areas during at least one critical life stage.<sup>4</sup>

16  
17  
18  
19 <sup>1</sup> Creates definition of "active erosion site." Definition is needed for undefined T&I term

20  
21 <sup>2</sup> **Channel zone:** Modified to improve clarity.

22 <sup>3</sup> Creates definition of "one-hundred year flood flow," which is a term used in 923.3(e)

23  
24 <sup>4</sup> **Riparian Associated Species:** Provides definition for those species dependent upon riparian  
25 areas. This term is used in current regulations, and no definition is provided. The term is  
needed for specificity on which beneficial uses of water are intended to be protected.

1       **Saturated soil conditions** means that site conditions are sufficiently wet that timber  
2 operations displace soils in yarding or mechanical site preparation areas or displace road and  
3 landing surface materials in amounts sufficient to cause a turbidity increase in drainage facilities  
4 that discharge into Class I, II, III, or IV waters, or in downstream Class I, II, III, or IV waters that  
5 is visible or would violate applicable water quality requirements.

6       In yarding and site preparation areas, this condition may be evidenced by: a) reduced  
7 traction by equipment as indicated by spinning or churning of wheels or tracks in excess of  
8 normal performance, b) inadequate traction without blading wet soil, c) soil displacement in  
9 amounts that cause visible increase in turbidity of the downstream waters in a receiving Class I,  
10 II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that  
11 discharge into Class I, II, III, or IV waters, or d) creation of ruts greater than would be normal  
12 following a light rainfall.

13       On logging roads and landing surfaces, this condition may be evidenced by a) reduced  
14 traction by  
15 equipment as indicated by spinning or churning of wheels or tracks in excess of normal  
16 performance, b) inadequate traction without blading wet soil, c) soil displacement in amounts  
17 that cause visible increase in turbidity of the downstream waters in receiving Class I, II, III, or IV  
18 waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that discharge  
19 into Class I, II, III, or IV waters, d) pumping of road surface materials by traffic, or e) creation of  
20 ruts greater than would be created by traffic following normal road watering, which transports  
21 surface material to a drainage facility that discharges directly into a watercourse. The

22       Soils or road and landing surfaces that are hard frozen are excluded from this definition.  
23 so wet that soil aggregates break down and the surface layer of soil becomes a slurry (may  
24 include the pumping of fine from poorly or inadequately rocked roads) as a result of ground  
25 based yarding/loading, site preparation, hauling or road maintenance. Such conditions are

1 often evidenced by: reduced traction by equipment as indicated by spinning or churning of  
2 wheels or tracks or inadequate traction without blading wet soil or material.  
3 Soils or road and landing surfaces that are hard frozen, throughout the period of heavy  
4 equipment use, are excluded from this definition.<sup>5</sup>  
5

6 **Stable operating surface** means **(OPTIONAL AMENDMENT 1)** that throughout the  
7 ~~period of use, the operating surface of a logging road or landing does not either (1) generate~~  
8 ~~waterborne sediment in amounts sufficient to cause a turbidity increase in downstream Class I,~~  
9 ~~II, III, or IV waters, or in amounts sufficient to cause a turbidity increase in drainage facilities that~~  
10 ~~discharge into Class I, II, III, or IV waters or, that is visible or would violate applicable water~~  
11 ~~quality requirements; or (2) channel water for more than 50 feet that is discharged into Class I,~~  
12 ~~II, III, or IV waters.~~ a road or landing surface with a structurally sound road base appropriate for  
13 the type, intensity and timing of intended use<sup>6</sup>.  
14  
15  
16  
17  
18  
19

---

20 <sup>5</sup> **Saturated roads:** Separates characteristics of from description of resultant  
21 impacts. Modification made to clarify when the road itself is in an unacceptable condition.  
22 Deletes reference to ancillary undesirable impacts to water quality; these should be inserted  
into the specific rule requirements. Consider moving deleted portions to prescriptive  
requirements in 916.9 Or 923.9

23 <sup>6</sup> **Stable operating surface:** Modification made to clarify when the road itself is in an  
24 unacceptable condition. Deletes reference to ancillary undesirable impacts to water quality;  
these should be inserted into the specific rule requirements. Consider moving deleted portions to  
prescriptive requirements in 916.9 Or 923.9  
25

(OPTIONAL AMENDMENT 2 deletes existing text and replace with the following)–**Stable operating surface** means a road or landing surface that can support vehicular traffic and that routes water off of the road surface during any period of intended use without: (1) development of tire ruts that concentrate runoff on the road surface for more than 50 feet and (2) pumping of fine-grained material onto the road surface that would require mechanical removal to continue using the road. A stable operating surface shall include a structurally sound road base appropriate for the intended use.<sup>7</sup>

(OPTIONAL AMENDMENT 3 deletes existing text and replace with the following)

**Stable operating surface** means a road or landing surface that can support vehicular traffic and that routes water off of the road surface or into drainage facilities without concentrating flow in ruts (tire tracks), pumping of the road bed, or ponding flow in depressions, which would lead to the transport of fine-grained materials from the road or landing surface into watercourses or lakes in quantities deleterious to the beneficial uses of water. A stable operating surface shall include a structurally sound road base appropriate for the intended use.<sup>8</sup>

---

<sup>7</sup> Option 2 Re-defines stable operating surface for non-Coho watersheds without a link between road condition and associated water quality impacts.

<sup>8</sup> Re-defines stable operating surface for non-Coho watersheds: with a link between road condition and associated water quality impacts. A definition that does not include any "rule" component is supportable because the delivery of material to a watercourse in amounts deleterious has little to do with whether or not the operating surface is stable, and is addressed in specific rule sections.

**Watercourse or Lake Transition Line [Optional Amendment 4]**

~~(a) for a watercourse with an unconfined channel (a channel with a valley to width ratio at bankfull stage of 4 or greater) means that line defined by the landward margin of the most active portion of the channel zone area readily identified in the field by riverine hardwood and conifer trees at least twenty five years in age at breast height.~~

~~(b) for a watercourse with a confined channel means that line that is the outer boundary of a watercourse's 20-year return interval flood event floodplain. The outer boundary corresponds to an elevation equivalent to twice the maximum depth of the adjacent riffle at bankfull stage. The bankfull stage elevation shall be determined by field indicators and may be verified by drainage area/bankfull discharge relationships.~~

The watercourse transition line is the outer boundary of a watercourse's 20-year return interval flood event floodplain as defined by the following: (1) the upper limit of sand and/or silt deposition such as mudlines on trees; and, (2) evidence of recent channel migration and/or flood debris. The first line of permanent woody vegetation must not be used to determine this transition line<sup>9</sup>.

~~(c) For a lake, it is that line closest to the lake where riparian vegetation is permanently established.~~

---

<sup>9</sup> Watercourse or Lake Transition Line: Optional suggested amendment pending findings from BOF scientific literature review. Amendment deletes existing definitions and redefines based on interagency riparian flood prone area committee's recommendations (Cafferata et al 2005). Current definitions and it application in the field separates watercourses form their floodplains which is inconsistent with current literature. The new definition also removes reference to "confined and unconfined channels which are confusing and difficult use in the field.

1 **Watercourse or Lake Transition Line** [Optional Amendment 5 –to be refined by  
2 **Literature Review results]** means that line defined by the landward margin of the outer  
3 portion of the channel zone. The line corresponds to an elevation equivalent to twice the  
4 maximum depth of the adjacent riffle at bankfull stage.

5  
6  
7 **Watersheds with threatened or ~~impaired values~~ endangered anadromous**  
8 **salmonids** <sup>10</sup>means any planning watershed [Optional Amendment 6 ~~planning watershed~~  
9 ~~locations~~]<sup>11</sup> where populations of anadromous salmonids that are listed as Threatened,  
10 endangered, or candidate under the State or Federal Endangered Species Acts ~~with their~~  
11 ~~implementing regulations~~, are currently present or can be restored

12  
13 **[Optional Amendment 7] Watersheds with threatened or endangered anadromous**  
14 **salmonids** means any watershed in the official Listed Range of anadromous salmonids that are  
15 listed as Threatened, endangered, or candidate under the State or Federal Endangered Species  
16 Acts.<sup>12</sup>

17  
18  
19  
20  
21 <sup>10</sup> **Watersheds with threatened or ~~impaired values~~ endangered anadromous salmonids:** Clarifies  
22 scope of intent. This change is more in line with the actual application of the T/I rules.  
23 Threatened and Impaired is not descriptive of the intent of the regulations as application of the  
rules do not meet completely meet 303d "impaired" waterbody legal requirements. Deletion of  
"implementing regulations adds no legal or other discrete clarification of the geographic scope  
of the rule.

24 <sup>11</sup> Deletion of term "planning watershed" removes any limitation on where the T/I rules could  
25 apply.

<sup>12</sup> Defines application of the T/I rules to the official listed range of the species.

1 **§ 898 Feasibility Alternatives**

2 After considering the rules of the Board and any mitigation measures proposed in the  
3 plan, the RPF shall indicate whether the operation would have any significant adverse impact on  
4 the environment. On TPZ lands, the harvesting per se of trees shall not be presumed to have a  
5 significant adverse impact on the environment. If the RPF indicates that significant adverse  
6 impacts will occur, the RPF shall explain in the plan why any alternatives or additional mitigation  
7 measures that would significantly reduce the impact are not feasible.

8 Cumulative impacts shall be assessed based upon the methodology described in Board  
9 Technical Rule Addendum Number 2, Forest Practice Cumulative Impacts Assessment Process  
10 and shall be guided by standards of practicality and reasonableness. The RPF's and plan  
11 submitter's duties under this section shall be limited to closely related past, present and  
12 reasonably foreseeable probable future projects within the same ownership and to matters of  
13 public record. The Director shall supplement the information provided by the RPF and the plan  
14 submitter when necessary to ensure that all relevant information is considered.

15 ~~When assessing cumulative impacts of a proposed project on any portion of a waterbody  
16 that is located within or downstream of the proposed timber operation and that is listed as water  
17 quality limited under Section 303(d) of the Federal Clean Water Act, the RPF shall assess the  
18 degree to which the proposed operations would result in impacts that may combine with existing  
19 listed stressors to impair a waterbody's beneficial uses, thereby causing a significant adverse  
20 effect on the environment. The plan preparer shall provide feasible mitigation measures to  
21 reduce any such impacts from the plan to a level of insignificance, and may provide measures,  
22 insofar as feasible, to help attain water quality standards in the listed portion of the waterbody.~~

23 ~~The Director's evaluation of such impacts and mitigation measures will be done in  
24 consultation with the appropriate RWQCB.<sup>13</sup>~~

25 <sup>13</sup> **898** Section deleted and revised in 916.12 for purposes of consolidating plan requirements for  
303 (d)listed water bodies

**916, 936, 956 Intent of Watercourse and Lake Protection [All Districts]**

The purpose of this article is to ensure that timber operations do not threaten to cause significant adverse site-specific and cumulative impacts to the beneficial uses of water, native aquatic and riparian-associated species, and the beneficial functions of riparian zones ~~are protected from potentially significant adverse site-specific and cumulative impacts associated with timber operations~~, or threaten to cause violation of any applicable legal requirements.<sup>14</sup>

This article also provides protection measures for application in watersheds with threatened and endangered anadromous salmonids and an evaluation framework for application in watersheds listed as water quality limited under Section 303(d) of the Federal Clean Water Act.<sup>15</sup>

It is the intent of the Board to restore, enhance, and maintain the productivity of timberlands while providing ~~equal~~ appropriate levels of consideration for the quality and beneficial uses of water relative to timber production.<sup>16</sup>

---

<sup>14</sup> **916** Issue: Consistency with water board legal requirements

1. Porter-Cologne subjects discharges that COULD (not will or would) affect the State's waters to Water Board regulation (CWC 13260(a)(1)).

2. It directs other State agencies to comply with State Water Board-approved water quality control plans (CWC 13247).

3. It also directs other State agencies to comply with State Water Board-adopted water quality control Policies (CWC 13146), including:

1) Resolution no. 88-63: Sources of Drinking Water Policy and

2) Resolution no. 68-16: Policy With Respect to Maintaining High Quality of Waters in California.

4. The latter Policy must be applied in a manner consistent with the federal antidegradation policy (40 CFR 131.12) under the Clean Water Act.

5. The additions at the end of the paragraph are needed because only a Water Board can determine, after making specified findings, that any degradation of water quality is acceptable. CalFire is not authorized to do this, even if CalFire believes the impact is not "significant" under CEQA.

6. The Water Board standards of review and environmental goals under the antidegradation policies and CWA 303(d) are more rigorous and less flexible than CEQA's "no significant avoidable impact" standard.

<sup>15</sup> **916**

Issue: Clarity o specific purposes of this section. Language is added to clarify that the intent of this section is to address requirements for TES listed species and 303(d) listed water bodies.

<sup>16</sup> **916 Issue:** Consistency with water board, laws and policies. Issue: Compliance with the State and federal antidegradation policies for waterbodies not impaired.1. This intent section is not intended to deal only with waters that are not 303(d)-listed, but to provide broad statewide guidance for all situations (including those with impairment).2. Amendment supports proposed amendments made to section 916 (c) below.

1 Further, it is the intent of the Board to clarify and assign responsibility for recognition of  
2 potential and existing impacts of timber operations on watercourses and lakes, native aquatic  
3 and riparian-associated species, and the beneficial functions of riparian zones and to ensure  
4 ~~adoption~~ all harvesting plans <sup>17</sup> of feasible measures to effectively achieve compliance with this  
5 article. Further, it is the intent of the Board that the evaluations that are made, and the  
6 measures that are taken or prescribed, be documented in a manner that clearly and accurately  
7 represents those existing conditions and those measures. "Evaluations made" pertain to the  
8 assessment of the conditions of the physical form, water quality, and biological characteristics of  
9 watercourses and lakes, including cumulative impacts affecting the beneficial uses of water on  
10 both the area of planned logging operations and in the Watershed Assessment Area (WAA).  
11 "Measures taken" pertain to the procedures used or prescribed for the restoration,  
12 enhancement, and maintenance of the beneficial uses of water.

---

17 916 Issue: Clarity of meaning of "adoption"

Issue: Consistency with the purposes of the CESA.

The phrase "adoption of" is unclear regarding the means by which the Board intends to achieve the objectives described. The proposed change clarifies that harvesting plans must comply with the stated objectives.

1 All provisions of this article shall be applied in a manner, which complies with the following:

2 (a) During and following timber operations, ~~the beneficial uses of water,~~ native aquatic  
3 and riparian-associated species, and the beneficial functions of riparian zones shall be  
4 maintained where they are in good condition, and protected where they are threatened, ~~and~~  
5 ~~insofar as feasible, native aquatic and riparian-associated species shall be restored where~~  
6 they are impaired. **[Optional Amendment 8:]** Where beneficial uses of water are impaired,  
7 timber operations shall actively contribute toward their restoration.<sup>18</sup> **[Optional Amendment**  
8 **9:]**<sup>19</sup> Plan submitters are encouraged, but not required, to undertake additional measures  
9 which could be undertaken at the plan submitters' option to further restore and enhance  
10 beneficial uses of water which are impaired.

---

18 **916 (a)** Issue: Clarification of differing restoration requirements for beneficial uses of water.

19 1. Timber operations are generally accountable for actively contributing toward restoration, not  
20 to achieving it all by themselves.

21 2. This requirement is not limited to what might be "feasible" according to 895.1

22 This amendment to include the term "restoration" is "optional". The Board's decisions to include  
23 it or exclude it is dependant on 1) legal opinion of Board authorities for including  
24 "restoration" in the FPRs and 2) a Board policy decision on extent to which they want to include  
25 restoration as a goal of the FPRS.

19 This amendment is "optional" and dependant on legal opinion on BOF authorities for including  
"restoration" in the FPRs. The amendment modifies the requirement to "actively restore"  
beneficial uses to optional restoration consistent with FPR rule language used in section 913.10  
(d).

1 (b) Maintenance, pProtection, [Optional Amendment 10]<sup>20</sup> and restoration of the quality and  
2 beneficial uses of water during the planning, review, and conduct of timber operations shall  
3 comply with all applicable legal requirements including those set forth in any applicable water  
4 quality control plan or water quality control Policy adopted or approved by the State Water  
5 Resources Control Board, as these are typically interpreted and applied by the affected regional  
6 water quality control board. <sup>21</sup>

7 At a minimum, the LTO shall not do either of the following during timber operations:-

8 ~~(1) Place, discharge, or dispose of or deposit in such a manner as to permit to pass into~~  
9 ~~the waters of the state, any substances or materials, including, but not limited to, soil, silt, bark,~~  
10 ~~slash, sawdust, or petroleum, in quantities deleterious to fish, wildlife, beneficial functions of~~  
11 ~~riparian zones, or the quality and beneficial uses of water;~~

12 ~~(2) Remove water, trees or large woody debris from a watercourse or lake, the adjacent~~  
13 ~~riparian area, or the adjacent flood plain in quantities deleterious to fish, wildlife, beneficial~~  
14 ~~functions of riparian zones, or the quality and beneficial uses of water.~~ <sup>22</sup>

---

19 <sup>20</sup> The amendment to include the term "restoration" is "optional". The Board's decisions to  
20 include it or exclude it is dependant on 1) legal opinion of Board authorities for including  
"restoration" in the FPRs and 2) a Board policy decision on extent to which they want to include  
restoration as a goal of the FPRS.

21 <sup>21</sup> 916 (b)

22 Issue: Consistency with water board, laws and policies.

23 1. Terms added are consistent with water board, laws and policies that require State agencies to  
comply with State Water Board-adopted water quality control Policies (CWC 13146).

24 2. The last addition precludes "creative" interpretations of Water Board requirements by other  
parties.

25 <sup>22</sup> 916 (b) (1) and (2)

Issue: Redundancy with 916.3 and 916.92. Existing subsection 916 (b) (1) is redundant with 916.3  
and should be deleted. Section 916 (b) (2) is redundant to requirements in 916.9 (a)

1 **[Optional Amendment 11]** <sup>23</sup>(c) Protecting and restoring native aquatic and riparian-associated  
2 species, and the beneficial functions of riparian zones and the quality and beneficial uses of  
3 water shall be given equal consideration as a management objective within any prescribed  
4 WLPZ and within any ELZ or EEZ designated for watercourse or lake protection and any other  
5 location where operations may affect riparian zones or the quality and beneficial uses of  
6 water. <sup>24</sup> **[Optional Amendment 12]** <sup>25</sup>Where the quality and beneficial uses of water are  
7 currently in good condition, maintaining that condition shall be given equal consideration as a  
8 management objective relative to timber production. Where any beneficial use of water is  
9 currently is threatened or exceptionally valuable, protecting its current condition shall be given  
10 equal or greater consideration as a management objective. Where any beneficial use of water  
11 is currently impaired, its restoration shall be given greater consideration as a management  
12 objective than timber production, and timber operations shall be conducted in a manner that  
13 actively contributes to its recovery.

14 **(d)** The measures set forth in this Section are meant to enforce the public's historical and legal  
15 interest in protection for wildlife, fish, and water quality and are to be used to guide timberland  
16 owners in meeting their legal responsibilities to protect public trust resources.

---

17 <sup>23</sup> 916 (c) These amendments are "optional" and could be deleted in its entirety. The section is  
18 redundant to other portions of section 916.

19 <sup>24</sup> **916(c)** Issue: Additional consideration for protection measures needed for areas outside of  
20 riparian zones that may adversely impact riparian zones.

21 1. Operations on areas outside of WLPZ, ELZ, or EEZ may have substantial effects on aquatic and  
22 riparian habitat, such as through contribution to slope failures. Plans should give equal  
23 consideration to aquatic and riparian habitats regardless of the location of operations.

24 <sup>25</sup> **916 (c)** Issue: Consistency with water board, laws and policies.

25 1. The first sentence leads toward compliance with the State and federal antidegradation  
policies.

2. The second sentence leads toward compliance with water quality standards and sets forth a  
policy reflecting the "first protect the best" (or most critical) habitat (e.g., thermal refugia)  
as well as USEPA-designated Outstanding National Resource Waters. 3. The third sentence leads  
toward compliance with CWA 303(d) restoration objectives.

The amendment to include the term "restoration" is "optional". The Board's decisions to include  
it or exclude it is dependant on 1) legal opinion of Board authorities for including restoration"  
in the FPRs and 2) a Board policy decision on extent to which they want to include restoration as  
a goal of the FPRS.

1 **916.1, 936.1, 956.1 In Lieu Practices [All Districts]**

2 In rule sections where provision is made for site specific practices to be proposed by the RPF,  
3 approved by the Director and included in the THP in lieu of a stated rule, the RPF shall  
4 reference the standard rule, shall explain and describe each proposed practice, how it differs  
5 from the standard practice, and the specific locations where it shall be applied; and shall explain  
6 and justify how the protection provided by the proposed practice is at least equal to the  
7 protection provided by standard rule.

8 (a) The in lieu practice(s) must provide for the maintenance, protection **[Optional**  
9 **Amendment 13]**<sup>26</sup> and restoration of the beneficial uses of water, native aquatic and riparian-  
10 associated species, and the beneficial functions of riparian zones<sup>27</sup> in accordance with 14 CCR  
11 916 above, or to the standards of 14 CCR 916.3 [936.3, 956.3] and 916.4(b) [936.4(b),  
12 956.4(b)], whichever is greater.<sup>28</sup>

13  
14  
15  
16 <sup>26</sup> The amendment to include the term "restoration" is "optional". The Board's decisions to  
17 include it or exclude it is dependant on 1) legal opinion of Board authorities for including  
18 "restoration" in the FPRs and 2) a Board policy decision on extent to which they want to include  
19 restoration as a goal of the FPRS.

20 <sup>27</sup> **916.1 and 916.1 (d)** Issue: In-lieu practices often do not achieve the full intent of the FPR  
21 to restore, enhance, and maintain aquatic and riparian habitat. 1. While not identified as a  
22 component of the Group #1 rules, the language of this section strongly affects the implementation  
23 of the regulations. In practice, proposed in-lieu practices often do not achieve the full intent  
24 of the FPR to restore, enhance, and maintain aquatic and riparian habitat. The requirement to  
25 provide protection at least equal to the standard rule is often only considered with respect to  
pre-identified erosion control effects. This section is modified to explicitly require protection  
of all aquatic and riparian habitat functions. Also, section (d) is added to require adherence  
to the standard rule when one or more reviewing agency recommends against the proposed in-lieu  
practice.

26 <sup>28</sup> **916.1 (a)** Changes in 916.1 (a) needed for consistency with amendments in 916. Issue:  
justification for nonstandard practices: Consider amendments for two different levels of  
explanation and justification for nonstandard practices:  
27 1. A minimal level for those nonstandard practices which will actually provide better protection  
28 (or better comply with applicable legal requirements) than the standard practice.  
29 2. A more rigorous level for those that are less protective or arguably could cause violation of  
30 applicable legal requirements. Having two differing levels of justification would provide common  
sense timber harvest plan preparation requirements, relieving plan preparers of unnecessary  
justifications when better than minimum standards are achieved by the non-standard practice.

1 (b) In lieu practices stated in an approved THP shall have the same enforceability and legal  
2 authority as those practices required by the standard rules.

3 (c) Any in lieu practices which propose less than standard rule WLPZ widths for Class I  
4 watercourses shall include 14 CCR 916.5.(e) [936.5(e), 956.5(e)] "A" & "D" protection  
5 measures.

6 (d) [Optional Amendment 14]<sup>29</sup> If one or more review agencies recommend against the  
7 proposed in-lieu practice and provide substantial evidence supporting the recommendation, the  
8 standard rule shall apply and the proposed in-lieu practice shall not be approved.

---

24  
25 <sup>29</sup> 916.1 (c) This is an optional amendment for Board policy decision. The amendment is intended  
to address recognized disagreements over decisions on inclusion of in-lieu practices during THP  
reviews. A decision for inclusion or exclusion should also consider effects on maintaining CAL  
Fire's authority as the lead agency for the project.

**916.2, 936.2, 956.2 Protection of the Beneficial Uses of Water and Riparian Functions [All Districts]**

**(a)** The measures used to protect each watercourse and lake in a logging area shall be determined by the presence and condition of the following values:

**(1)** The existing and restorable quality and beneficial uses of water as specified by the applicable water quality control plan and as further identified and refined during preparation and review of the plan.

**(2)** The existing and<sup>30</sup> restorable uses of water for fisheries as identified by the DFG or as further identified and refined during preparation and review of the plan.

**(3)** ~~Riparian habitat~~ The beneficial functions of the riparian zone that provides for the biological needs of native aquatic and riparian-associated species as specified in 14 CCR 916.4(b) [936.4(b), 956.4(b)] and 14CCR 916.9 [936.9, 956.9] when the plan is in a planning watershed with threatened or endangered anadromous salmonids.<sup>31</sup>

---

<sup>30</sup> **916.2 (a) (2)** Issue: Consistency of terminology

1. Term "existing and restorable" (or potential) are used for consistency and to ensure all existing or potential uses, such as future suitable habitat for listed anadromous species, be protected.

<sup>31</sup> **916.2 (3)**

Issue: Consistency of terminology

1. Term "beneficial functions of riparian zones" is defined in the FPRs replaces undefined terms such as "riparian habitat". Term "beneficial functions of riparian zones" being amended into other sections for same consistency purpose.

2. If the values of the beneficial functions of riparian zone are different between T/I and non-T/I areas and adding reference to 916.9 provides additional specificity for which beneficial functions need to be protected. However staff questions whether there's any difference in the beneficial functions of a riparian zone (as stated in 916.4 (b)) in a T/I watershed or a non-T/I watershed.

1           **(4)** Sensitive conditions near watercourses and lakes as specified in 14 CCR 916.4(a)  
2 [936.4(a), 956.4(a)].

3       The maintenance, protection, and**[Optional Amendment 15]**<sup>32</sup> restoration of Tthese values  
4 shall be ~~protected from potentially significant adverse impacts from timber operations and~~  
5 ~~restored to good condition, where needed, achieved~~ through a combination of the rules and  
6 plan-specific mitigation. The RPF shall propose, and the Director may require, adequate  
7 protection of overflow and changeable channels which are not contained within the channel  
8 zone.<sup>33</sup>

---

21 <sup>32</sup> **916.2** (a)(4) This is an optional amendment for Board policy decision. The amendment is  
22 intended to address recognized disagreements over decisions on inclusion of in-lieu practices  
during THP reviews. A decision for inclusion or exclusion should also consider effects on  
maintaining CAL Fire's authority as the lead agency for the project

23 <sup>33</sup> **916.2** Issue: Consistency with water board, laws and policies.

24 The "maintenance", and "restoration" terms are added pursuant to the Water Board standards of  
review and environmental goals under the antidegradation policies and CWA 303(d). These are more  
25 rigorous and less flexible than CEQA's "no significant avoidable impact" standard.

(b) The State's waters are grouped into four classes based on key beneficial uses. These classifications shall be used to determine the appropriate ~~minimum~~ protection measures to be applied during the conduct of timber operations. The basis for classification (characteristics and key beneficial uses) are set forth in 14 CCR 916.5 [936.5, 956.5], Table 1 and the range of ~~minimum~~ appropriate <sup>34</sup> protective measures applicable to each class are contained in 14 CCR 916.3 [936.3, 956.3], 916.4 [936.4, 956.4], and 916.5 [936.5, 956.5].and 916.9 [936.9, 956.9] when the plan is in a planning watershed with threatened or endangered anadromous salmonids. <sup>35</sup>

---

<sup>34</sup> **916.2 (b) and (c)** Issue: Clarity of term "appropriate minimum".1. Use of the term "appropriate minimum" is a confusing double descriptor. "Appropriate" is all that is needed to allow review of the proposed mitigations. By eliminating term "minimum", standards are only defined as appropriate, and can be more or less in the standards stated FPRs.

<sup>35</sup> **916.2 (b) and (c)** Issue: Consistency of application of T/I rules. Reference to 916.9 adds the T&E fish rules to the list of appropriate protection measures.

1 (c) When the protective measures contained in 14 CCR 916.5 [936.5, 956.5] and 916.9  
2 [936.9, 956.9] when the plan is in a planning watershed with threatened or endangered  
3 anadromous salmonids or pursuant to 14 CCR 916.12, are not adequate to provide for  
4 maintenance, protection **[Optional Amendment 16]**<sup>36</sup>, or restoration to of beneficial uses,  
5 ~~feasible~~ such measures as are necessary and sufficient to achieve these goals shall be  
6 developed by the RPF or proposed by the Director under the provisions of 14 CCR 916.6  
7 [936.6, 956.6], Alternative Watercourse and Lake Protection, and incorporated in the plan when  
8 approved by the Director .<sup>37</sup>

---

18 <sup>36</sup> **916.2** (c) This is an optional amendment for Board policy decision. The amendment is intended  
19 to address recognized disagreements over decisions on inclusion of in-lieu practices during THP  
20 reviews. A decision for inclusion or exclusion should also consider effects on maintaining CAL  
21 Fire's authority as the lead agency for the project

21 <sup>37</sup> **916.2** (c)

22 Issue: Removal of "feasibility"

23 Issue: Consistency with 916 amendments

24 Issue: Justification for nonstandard practices providing greater protection.

25 Under Water Board standards of review, the appropriate measures are those which are necessary and  
sufficient to achieve the desired goal, not just those that are "feasible".

**916.9, 936.9, 956.9 Protection and Restoration of the Beneficial Functions of the Riparian  
Zone in Planning Watersheds with Threatened or ~~Impaired Values~~ Endangered  
Anadromous Salmonids[All Districts]**

In addition to all other district Forest Practice Rules, the following requirements shall apply in  
any ~~p~~Planning ~~w~~Watershed with ~~t~~Threatened or ~~impaired values~~Endangered Anadromous  
Salmonids:<sup>38</sup>

---

<sup>38</sup> 916.9

Issue: Clarity of which beneficial uses are intended to be protected.

1. New title and preamble clarifies that the focus of this section are goals and regulations for watersheds with threatened or endangered anadromous salmonids, disconnecting section from rules and regulations to meet requirements for 303D listed impaired watersheds.

2. Term "beneficial function of riparian zone" is added as this is a defined term in the FPRs and provides uniformity for board's intention on which beneficial uses are to be protected

(a) GOAL - Every timber operation shall be planned and conducted to prevent ~~deleterious~~  
~~interferencesignificant impacts to with the watershed conditions that primiliarly limit the values~~  
~~set forth in 14 CCR 916.2 [936.2, 956.2](a)~~ the primary limiting factor that affect threatened or  
endangered anadromous salmonid species in the planning watershed-(e.g., sediment load  
increase where sediment is a primary limiting factor; thermal load increase where water  
temperature is a primary limiting factor; loss of instream large woody debris or recruitment  
potential where lack of this value is a primary limiting factor; substantial increase in peak flows  
or large flood frequency where peak flows or large flood frequency are primary limiting factors).  
To achieve this goal, every timber operation shall be planned and conducted to meet the  
following objectives where they affect a primary limiting factor:<sup>39</sup>

---

<sup>39</sup> **916.9 (a)**

Issue: Consistence with CEQA.

Issue: Clarity and specificity on which values are intended to be protected

1. For consistence with CEQA, the term "deleterious interference" is a deleted.

2. For clarity with the language used in the other goals in this section, the reference to values in 916.2 is deleted. The values in 916.2 are not necessarily related to fisheries. This section should be clear about the strategy for protecting listed fish.

3 A definition for "primary limiting factor" will be needed with the additional of the term being proposed.

1 (1) Comply with the terms of a Total Maximum Daily Load (TMDL) that has been  
2 adopted to address primary limiting factors that may be affected by timber operations. ~~if a TMDL~~  
3 ~~has been adopted,, or not result in any measurable sediment load increase to a watercourse or~~  
4 ~~lake.~~<sup>40</sup>

5 (2) Not result in any significant sediment load increase to a watercourse system or  
6 lake<sup>41</sup>.

---

13 <sup>40</sup> 916.9 (a)(1)

14 Issue: Consistency of intent language.

15 Issue: Eliminate unnecessary/redundant language.

16 Issue: Clarity of goals

17 1.This maintains the consistency of using "limiting factors" as the focus of enhanced fisheries  
18 protections. It also implies a restoration goal.

19 2. The first goal should be split since not all TMDLs address sediment

20 <sup>41</sup> 916.9 (a)(2)

21 Issue: Clarity of objectives

22 Issue: Consistence with CEQA; measurability of changes to limiting factors

23 1. A separate objective is created from objective number one above since not all TMDLs address  
24 sediment.

25 2. For consistency with CEQA standards, term "measurable" is deleted because with today's  
instrumentation measurable sediment increases is not realistic.

1       ~~(2)(3)~~ Not result in any ~~measurable~~ significant decrease in the stability of a watercourse  
2 channel or of a watercourse or lake bank.

3       ~~(3)(4)~~ Not result in any ~~measurable~~ significant blockage of any aquatic migratory routes  
4 for anadromous salmonids or listed species.

5       ~~(4)(5)~~ Not result in any ~~measurable~~ significant streamflow reductions during critical low  
6 water periods except as part of an approved water drafting plan pursuant to 14 CCR 916.9(r)  
7 [936.9(r), 956.9(r)].

8       ~~(5)(6)~~ Consistent with the requirements of 14 CCR § 916.9(i), 14 CCR § 936.9(i), or 14  
9 CCR § 956.9(i); protect, maintain, and restore trees (especially conifers), snags, or downed  
10 large woody debris that currently, or may in the foreseeable future, provide large woody debris  
11 recruitment needed for instream habitat structure and fluvial geomorphic functions<sup>42</sup>.

---

22       <sup>42</sup> 916.9 (a)(3)-(5)

23 Issue: Consistence with CEQA; measurability of changes to limiting factors

24 For consistency with CEQA standards, term "measurable" is deleted because with today's  
25 instrumentation measurable bank stability, migratory route blockage, and streamflow reduction is  
not realistic.

1       ~~(6)~~(7) Consistent with the requirements of 14 CCR § 916.9(g), 14 CCR § 936.9(g), or 14  
2 CCR § 956.9(g); protect, maintain, and restore the quality and quantity of vegetative canopy  
3 needed to:

4               (A) provide shade to the watercourse or lake to maintain daily and seasonal  
5 water temperatures within the preferred range for anadromous salmonids or listed species  
6 where they are present or could be restored,. (B) ~~minimize daily and seasonal temperature~~  
7 ~~fluctuations~~provide a deciduous vegetation component to the riparian zone for aquatic nutrient  
8 inputs (C) ~~maintain daily and seasonal water temperatures within the preferred range for~~  
9 ~~anadromous salmonids or listed species where they are present or could be restored, and (D)~~  
10 ~~provide hiding cover and a food base where needed.~~<sup>43</sup>

---

17 <sup>43</sup> 916.9 (a)(6)

18 Issue: Eliminate redundant objectives

19 Issues: Refine "shade" Refine "nutrient" objectives based on TAC science findings.

20       1.This addition of temperature controls specific to anadromous salmonids sets a very  
21 specific standard for protection or restoration of the vegetative canopy. This only applies to  
class I per the reference to 916.9(g)

22       2.The purpose of providing shade in the goal is made specific for supporting anadromous  
salmonid. This modification is consistent with previous amended goal statement in 916.9 for  
23 focusing the T/I rule on listed anadromous species. By combining the proposed language item 6  
(B) and (C) be becomes redundant and are deleted.

24       3.Existing at language for item 6 ( C ) is a narrow description of vegetative canopy goals  
This goal should be discussed in the context of the primer section on nutrients and his proposed  
25 in this change to broaden the goal of providing shade.

1 ~~(7)~~(8) Result in no substantial significant increases in peak flows or large flood frequency.<sup>44</sup>

2 (b) Pre-plan adverse cumulative watershed effects on the populations and habitat of  
3 anadromous salmonids shall be considered. The plan shall specifically acknowledge or refute  
4 that such effects exist. ~~Where appropriate~~When the proposed timber operations will  
5 significantly effect existing cumulative watershed effects, the plan shall set forth measures to  
6 effectively reduce such effects.<sup>45\*\*\*\*\*</sup>

---

18  
19 <sup>44</sup> 916.9 (a)(7)

20 Issue: Consistence with CEQA; Clarity of term "substantial" for changes to limiting factors  
21 For consistency with CEQA standards, term "substantial" is deleted.

22  
23 <sup>45</sup> 916.9 (b)

24 Issue: Consistence with CEQA; Clarity of term "Clarity of term "appropriate"  
25 For consistency with CEQA standards, term "appropriate" is deleted.

(e) There shall be no timber operations within the channel zone with the following exceptions: [Optional amendment]<sup>46</sup>

(1) ~~timber harvesting that is~~ actions directed to improve salmonid habitat through the limited use of the selection or commercial thinning silvicultural methods with review and comment by DFG.

(2) ~~timber harvesting~~ actions necessary for the construction or reconstruction of approved watercourse crossings.

(3) ~~timber harvesting~~ actions necessary for the protection of public health and safety.

(4) actions to allow for full suspension cable yarding when necessary to transport logs through the channel zone.

(5) the cutting and removal of Class III watercourses channel zone trees where ~~exclusion of timber operations is not~~ unless needed for protection of listed salmonids.

(6) actions reviewed by the Department or DFG which seek to correct or remediate adverse impacts to the beneficial uses of water.

---

<sup>46</sup> 16.9(e)(1)(E), KQ#78, Channel zone limitations. The potential problems with the short list of exceptions is magnified if the definition of channel zone is broadened to include adjacent floodplains. The lead-in sentence refers to no timber operations except as specified in (A)-(E). However exceptions (A), (B) and (C) are limited to term timber harvesting which is not defined and can be interpreted to mean just cutting and removal of trees. It would be more appropriate to use the term "actions" that could permit a broader set activities such as watercourse crossing construction without cutting trees or in-stream debris jam removal upstream of a county road culvert. Exception (e)(I)(E) needs to be worded that trees located in Class III channel zones may be cut and removed unless needed to protect listed salmonids. This clarifies that not all Class III channel zone trees must be retained. One new additional exception (a new F) is also needed to facilitate watershed improvement or remediation activities such as: removal of old watercourse crossings or landings, repairing watercourse diversions, stabilizing eroding channels or channel banks. This change is also needed to aid in compliance with 916.9(o), addressing active erosion sites.

**(2)** In all instances where trees are proposed to be felled within the channel zone, a base mark shall be placed below the cut line of the harvest trees within the zone. Such marking shall be completed by the RPF that prepared the plan prior to the preharvest inspection.

9

1           **\*\*\*\*\* (h)** For Class I waters, any plan involving timber operations within the WLPZ  
2 shall contain the following information:

3           **(1)**     A a clear and enforceable specification of how any disturbance or log or tree  
4 cutting and removal within the Class I WLPZ shall be carried out to conform with 14 CCR §§<sup>47</sup>  
5 916.2 [936.2, 956.2](a) and 916.9 [936.9, 956.9](a).

6           **(2)**     A description of all existing permanent crossings of Class I waters by logging  
7 roads and clear specification regarding how these crossings are to be modified, used, and  
8 treated to minimize risks, giving special attention to allowing fish to pass both upstream and  
9 downstream during all life stages.

10          **(3)**     Clear and enforceable specifications for construction and operation of any new  
11 crossing of Class I waters to prevent direct harm, habitat degradation, water velocity increase,  
12 hindrance of fish passage, or other potential impairment of beneficial uses of water.**\*\*\*\*\***

---

24 <sup>47</sup> **(h) (1):** section symbol correction.  
25

1 (k) From October 15 to May 1, the following shall apply: (1) ~~h~~No timber operations shall  
2 take place unless the approved plan incorporates a complete winter period operating plan  
3 pursuant to 14 CCR § 914.7(a) [934.7(a), 954.7(a)]~~;~~ (2) ~~u~~Unless the winter period operating  
4 plan proposes operations during an extended period with low antecedent soil wetness, no  
5 tractor roads shall be constructed, reconstructed, or used on slopes that are over 40 percent  
6 and within 200 feet of a Class I, II, or III watercourse, as measured from the watercourse or lake  
7 transition line~~;~~ ~~and (3) -e~~Operation of trucks and heavy equipment on roads and landings shall  
8 be limited to those with a stable operating surface.<sup>48\*\*\*\*\*</sup>

9  
10 (l) Construction or reconstruction of logging roads, tractor roads,~~or~~ landings shall not take  
11 place during the winter period unless the approved plan incorporates a complete winter period  
12 operating plan pursuant to 14 § CCR 914.7(a) [934.7(a), 954.7(a)] that specifically address such  
13 road construction or reconstruction. Use of logging roads, tractor roads, or landings shall not  
14 take place at any location where saturated soil conditions exist, where a stable logging road or  
15 landing operating surface does not exist, or when visibly turbid water from the road, landing, ~~or~~  
16 skid trail, or tractor road surface or inside ditch may reach a watercourse or lake. Grading to  
17 obtain a drier running surface more than one time before reincorporation of any resulting berms  
18 back into the road surface is prohibited<sup>49</sup>.

19  
20  
21  
22  
23  
24 <sup>48</sup> 916.9 (k) (1)-(3) has grammatical edits

25 <sup>49</sup> 916.9 (1) terms added to clarify operations subject to rule provision.

**[Optional Amendment add 916.9 (l)(1) –(3)]**

(1) Concurrent with use for log hauling, approaches to logging road watercourse crossings shall be treated for erosion control as needed to minimize soil erosion and sediment transport and to prevent the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water<sup>50</sup>.

(2) Concurrent with use for log hauling, all traveled surfaces of logging roads in a WLPZ or within any ELZ or EEZ designated for watercourse or lake protection shall be treated for erosion control as needed to minimize soil erosion and sediment transport and to prevent the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water.<sup>51</sup>

(3) Prior to use, approaches to water drafting locations within a WLPZ shall be surfaced with rock or other suitable material to avoid generation of sediment<sup>52</sup>.

---

<sup>50</sup> 916.9 (1)(1) This new measure expands area of protection within T or I watersheds as needed to avoid adverse discharge. It is also an attempt by the Committee to address concerns embedded in 923.9.2(f)(5) specified as default protection measure in coho watersheds where DFG has determined take will or is likely to result.

<sup>51</sup> 916.9 (1)(2) This section would delete 916.9(n)(2) Adds qualifying linkage "as needed."

<sup>52</sup> 916.9 (1) (3) Amendment adds protection measures for approaches to water drafting sites. Proposed amendment taken from Road rules committee suggestion without explanation necessity.

1 (n) Within the WLPZ, and within any ELZ or EEZ designated for watercourse or lake  
2 protection, treatments to stabilize soils, minimize soil erosion, and prevent the discharge of  
3 sediment into waters in amounts deleterious to aquatic species or the quality and beneficial  
4 uses of water, or that threaten to violate applicable water quality requirements, shall be applied  
5 in accordance with the following standards:

6 (1) The following requirements shall apply to all such treatments.

7 (A) They shall be described in the plan.

8 (B) For areas disturbed from May 1 ~~through~~ to October 15, treatment shall be  
9 completed prior to the start of any rain that causes overland flow across or along the disturbed  
10 surface.<sup>53</sup> **[Optional Amendment 17]** that could deliver sediment into a watercourse or lake in  
11 quantities deleterious to the beneficial uses of water.<sup>54</sup>

12 (C) For areas disturbed from October 15 to May 1, treatment shall be  
13 completed prior to any day for which a chance of rain of 30 percent or greater is forecast by the  
14 National Weather Service or within 10 days, whichever is earlier.

15 (2) The traveled surface of logging roads shall be treated to prevent waterborne  
16 transport of sediment and concentration of runoff that results from timber operations.

17 ~~(3)~~ The treatment for other disturbed areas, including:

18 (A) ~~a~~Areas exceeding 100 contiguous square feet where timber operations have  
19 exposed bare soil<sub>7</sub>

20 (B) ~~a~~Approaches to tractor road watercourse crossings between the drainage  
21 facilities closest to the crossing<sub>7</sub>

22  
23  
24  
25 <sup>53</sup> 916.9 (n) (1)(B) is made similar to other descriptions of date requirements.

<sup>54</sup> 916.9 (n) (1)(B)Optional amendment requires that necessary treatments pertain to flows that could reach watercourses in deleterious quantities, not just any flows.

1           **(C)** ~~r~~Road cut banks and fills, and any other area of disturbed soil that threatens  
2 to discharge sediment into waters in amounts deleterious to the quality and beneficial uses of  
3 water, may include, but need not be limited to, mulching, rip-rapping, grass seeding, or chemical  
4 soil stabilizers. Where straw, mulch, or slash is used, the minimum coverage shall be 90%, and  
5 any treated area that has been subject to reuse or has less than 90% surface cover shall be  
6 treated again prior to the end of timber operations. The RPF may propose alternative  
7 treatments that will achieve the same level of erosion control and sediment discharge  
8 prevention.

9           **(4)** Where the undisturbed natural ground cover cannot effectively protect beneficial  
10 uses of water from timber operations, the ground shall be treated by measures including, but not  
11 limited to, seeding, mulching, or replanting, in order to retain and improve its natural ability to  
12 filter sediment, minimize soil erosion, and stabilize banks of watercourses and lakes.

13  
14 \*\*\*\*\*  
15

16           **(r)** ~~u~~Water drafting for timber operations from within a channel zone of a natural watercourse or  
17 from a lake shall conform with the following standards:

18                   **(1)** The RPF shall incorporate into the THP:

- 19                           **(A)**    ~~a~~A description and map of proposed water drafting locations~~r~~.
- 20                           **(B)**    ~~t~~The watercourse or lake classification~~r~~, ~~and~~
- 21                           **(C)**    ~~t~~ The general drafting location use parameters (i.e., yearly timing,  
22 estimated total volume needed, estimated total uptake rate and filling time, and associated  
23 water drafting activities from other THPs).
- 24  
25

(2) On Class I [**Optional Amendment 18**]:and Class II streams where the RPF has estimated that:

(A) ~~b~~Bypass flows are less than 2 cubic feet per second, or

(B) ~~p~~Pool volume at the water drafting site would be reduced by 10%, or

(C) ~~d~~Diversion rate exceeds 350 gallons per minute, or

(D) ~~d~~Diversion rate exceeds 10% of the above surface flow;

no water drafting shall occur unless the RPF prepares a water drafting plan to be reviewed and, if necessary a stream bed alteration agreement issued, by DFG and approved by the Director.

The Director may accept the project description and conditions portion of an approved

“Streambed Alteration Agreement” issued under the Fish and Game Code (F&GC 1600 et seq.)

which is submitted instead of the water drafting plan described in 14 CCR § 916.9 [936.9, 956.9]

(r)(1)(C) and (r)(2)(D)(1-5). For Class II watercourses, terms and conditions for water drafting

shall be as stated in “Streambed Alteration Agreement” issued under the Fish and Game Code

(F&GC 1600 et seq.)<sup>55</sup>

<sup>55</sup> **Optional Amendment 17 Rational/Impacts:** Under existing rules a similar set of conditions for drafting plans is required for class I or class II watercourses. Recognition is given that it is appropriate to have drafting plan requirements for class I but the board’s rules should provide preferential treatment for use of class II watercourses instead of class I. This is because of the sensitivity of water drafting in class I streams where there are fish present. Class II streams, by definition do not have fish present and should be the more appropriate place where drafting is permitted. Other sources do not lend themselves to criteria for class I requirements. Requirements for drafting plan should only be class I. Incentives should be to use Class II (by not requirement a drafting plan or the requirements for drafting necessitated by drafting plans.

Regulatory relief is gained by not having to make mandatory requirements for a drafting plan. Use of different standards for drafting is appropriate because many Class II streams have developed ponds which provide watercourses, but do not resupply at the minimum rates (2cfs) as required in the FPRs. Also focusing use Class II catchment ponds facilitates fire suppression use.

Environmental protection controls under this amendment for class II for water drafting is retained via implementation of DFG 1600 permitting systems. General environmental concern is that class II dewatering does not occur as they are vital for replenishing fish bearing waters and for aquatic habitat. By using the DFG 1600 permitting system, specification for drafting in any watercourse are required and environmental protection measures retained. The primary benefit of this amendment is .duplicate Class II drafting plans ad analysis of the suitability of the drafting plans is achieved is no longer required in the THP and would occur as part of the 1600 permit process. The impact of eliminating disclosure of the water drafting impacts in the THP is are the CEQA were requirements under the certified functional equivalency being fulfilled.

Recall the THP serves as a substitute for EIR. Use of the 1600 permit for the environmental effects documentation needs to be evaluated on why there is meets CEQA requirements.

Other options include getting permanent 1600 DFG permits specific to the watersite that would suffice for all thps and not limited to a one THP. Other option considered is entirely deleting (r) (2) (D) for all classes of watercourses and relying on the 1600 permit for detailed environmental protection specific and (r) (1) for the CEQA basis assessment information. Both these alternatives are aimed at simplifying the documentation and form processing needed water drafting.

The water drafting plan shall include, but not be limited to:

1. ~~d~~Disclosure of estimated percent streamflow reduction and duration of reduction,

2. ~~d~~Discussion of the effects of single pumping operations, or multiple pumping operations at the same location,

3. ~~p~~Proposed alternatives and discussion to prevent adverse effects (e.g. reduction in hose diameter, reduction in total intake at one location, described allowances for recharge time, and alternative water drafting locations),

4. ~~e~~Conditions for operators to include an operations log kept on the water truck containing the following information: Date, Time, Pump Rate, Filling Time, Screen Cleaned, Screen Conditions, and Bypass flow observations, [Optional Amendment 19 –delete subsection 4.]<sup>56</sup>

5. ~~a~~A statement by the RPF for a pre-operations field review with the operator to discuss the conditions in the water drafting plan.

(3) Intakes shall be screened in Class I and Class II waters. Screens shall be designed to prevent the entrainment or impingement of all life stages of fish or amphibians. Screen specifications shall be included in the plan.

(4) Approaches to drafting locations within a WLPZ shall be surfaced with rock or other suitable material to avoid generation of sediment.

---

**56**

Optional Amendment 18 –Consider deleting section (r) (D) (4) because of the information log is not used for any purpose by agencies. Analysis suggests the information may be useful for monitoring and controlling quality and practices of drafting, but if it is not used then is not adding protective values.

**(s)** No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under exemption notices except for:

- (1)** ~~H~~auling on existing roads<sub>7,2</sub>
- (2)** ~~R~~oad maintenance<sub>7,2</sub>
- (3)** ~~O~~perations conducted for public safety<sub>7,2</sub>
- (4)** ~~C~~onstruction or reconstruction of approved watercourse crossings<sub>7,2</sub>
- (5)** ~~T~~emporary crossings of dry Class III watercourses which do not require a "Streambed Alteration Agreement" under the Fish and Game Code<sub>7,2</sub> or
- (6)** ~~H~~arvesting recommended in writing by DFG to address specifically identified forest conditions.

**(t)** No timber operations are allowed in a WLPZ, or within any ELZ or EEZ designated for watercourse or lake protection, under emergency notices except for:

- (1)** ~~H~~auling on existing roads<sub>7,2</sub>
- (2)** ~~R~~oad maintenance<sub>7,2</sub>
- (3)** ~~O~~perations conducted for public safety<sub>7,2</sub>
- (4)** ~~C~~onstruction or reconstruction of approved watercourse crossings<sub>7,2</sub>
- (5)** ~~T~~emporary crossings of dry Class III watercourses which do not require a "Streambed Alteration Agreement" under the Fish and Game Code<sub>7,2</sub>
- (6)** ~~H~~arvesting recommended in writing by DFG to address specifically identified forest conditions<sub>7,2</sub>

**(7)** ~~T~~he harvest of dead or dying conifer trees subject to the following conditions:

**(A)** Recruitment of large woody debris\*\*\*\*

\*\*\*\*\* 300 trees per acre. \*\*\*\*

1 \*\*\*\*\***(x)** The provisions of 14 CCR § 916.9 [936.9, 956.9] Shall not apply to a plan that is  
2 subject to an approved Incidental Take Permit Habitat Conservation Plan, Natural Communities  
3 Conservation Plan, or Incidental Take Permit that addresses anadromous salmonid  
4 protection..<sup>57</sup>\*\*\*\*\*

5 \*\*\*\*\* **(z)** ~~This section shall expire on December 31, 2008.~~  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

---

23 <sup>57</sup> This expands the types of permits which are not subject to the T/I rules to include NCCPs and  
24 assumes that these State and Federal documents and associated permits that address anadromous  
25 salmonid protection would be adequate (based on approved PALCO, Green Diamond and Draft MRC  
conservation agreements)

1 **916.12 ~~Section 303(d) Listed Watersheds~~ Restoration in Watersheds with Impaired**  
2 **Beneficial Uses of Water [All Districts]**

3 For any planning watershed in which timber operations could contribute to the pollutants  
4 or stressors which have been identified as limiting water quality in a water body listed pursuant  
5 to 303(d) Federal Clean Water Act, the following shall apply: The provisions of this section are  
6 intended to achieve consistency with the goals of federal Clean Water Act Section 303(d) and  
7 associated federal regulations, as well as with water quality control plans and water quality  
8 control policies adopted or approved by the State Water Resources Control Board to implement  
9 those federal requirements. In addition to all other district Forest Practice Rules, the following  
10 goals and objectives shall apply in any planning watershed in which timber operations can  
11 generate discharges that can exacerbate the effect of stressors or pollutants to downstream  
12 beneficial uses of water which are already listed as impaired pursuant to Clean Water Act  
13 Section 303(d).<sup>58</sup>

14  
15  
16  
17  
18 <sup>58</sup> 916.12

19 Issue: Consistency with water board requirements implementing Clean Water Act Section 303(d).

20 1. The entirety of 916.12, as amended, is to improve consistency with State and federal goals  
21 and requirements for restoration of the quality and beneficial uses of water in water bodies that  
22 are (or may be) listed pursuant to Clean Water Act Section 303(d). These goals and requirements  
23 are set forth in:

24 a) Federal Clean Water Act Section 303(d) and associated U.S. Environmental Protection Agency  
25 regulations (40 CFR 130.7).

b) Any applicable Total Maximum Daily Load (TMDL) developed for a 303(d)-listed water body by  
either the U.S. Environmental Protection Agency or a regional water quality control board.

c) Any TMDL implementation plan set forth in an applicable water quality control plan approved or  
adopted by the State Water Resources Control Board. Water quality control plan provisions are  
binding on all State agencies and potential dischargers.

d) The following State Water Board-adopted water quality control policies which are binding on  
activities of all State agencies and potential dischargers: (To be listed)

1        **(a) GOAL** - Every timber operation shall be planned and conducted to actively contribute  
2        toward restoration of beneficial uses of water**[Optional Amendment 20]** in a planning  
3        watershed [which has been listed as impaired pursuant to Clean Water Act Section 303(d)]  
4        **[Optional Amendment 21]** [which has been listed pursuant to Section 303(d) of the federal  
5        Clean Water Act, but for which a Total Maximum Daily Load (TMDL) implementation plan has  
6        not yet been adopted] **[Optional Amendment 22]** [ with a TMDL implementation plan that has  
7        been adopted by the responsible regional water quality control board] when impairments could  
8        be exacerbated by discharges from timber operations. **[Optional Amendment 23]** [when  
9        impairments can be significantly affected by timber operations.

**(b) Implementation** - To achieve this goal, every timber operation shall be planned and conducted to:

**(1) Comply with the terms of a TMDL implementation plan that has been adopted by the responsible regional water quality control board and addresses stressors or pollutants whose effects may be exacerbated discharges from timber operations.<sup>59</sup>.**

**(2) For 303(d)-listed waters without a TMDL implementation plan, comply with any management plan for one or more planning watersheds that has been collaboratively developed by the board, department, and the responsible regional water quality control board. The management plan shall include the following.<sup>60</sup>:**

<sup>59</sup> **916.12(b)(1)**

Issue: Compliance with existing TMDL implementation plans

This is the current legal standard required by water boards. This requirement is also mentioned in 916.9(a)(1). Board should consider deleting 916.9 (a)(1) if this section is adopted.

<sup>60</sup> **916.12(b)(2)**

Issue: Proactive protection and restoration.

1. New 916.12(b)(2) allows a watershed management plan that is collaboratively developed by the board, department, and the responsible regional water board to reduce the burden of subsequent Water Board actions. It includes two approaches that can get an early start on correcting water quality problems.

2. It could incorporate monitoring to validate the effectiveness of the plan with respect to beneficial uses of water, as well as adaptive management to make any needed corrections.

3. It would be developed and implemented under the purview of BOF and Cal Fire, and they are consistent with the BOF intent to "enhance" beneficial uses of water (916). Either would be more appropriately tailored at a watershed scale rather than a regional "one-size-fits-all" scale.

4. This approaches are likely to entail less stringent requirements than would be needed if the problem is allowed to grow worse and must be subsequently addressed by a regional water quality control board.

5. If this proactive approaches is not taken, timber operations must comply with the requirements of a TMDL implementation plan that is developed and implemented by the responsible regional water quality control board as required 916.12(b)(1)

1           **(A)** ~~The Department shall, in collaboration with~~ and the appropriate RWQCB ~~and~~  
2 ~~SWRCB, shall collaboratively~~ prioritize watersheds in which the following will be done: 1)  
3 conduct or participate in an assessment or analysis of the watershed that may be needed, 2)  
4 ~~participate in the development of Total Maximum Daily Load (TMDL) problem assessment,~~  
5 ~~source assessment, or load allocations related to timber operations, and 3)~~ if existing rules are  
6 deemed not to be sufficient, develop recommendations for watershed-specific ~~silvicultural~~  
7 ~~implementation~~ forest practices and for enforcement, and monitoring and adaptive management  
8 practices to be applied by the Department and RWQCB.

9           **(bB)** The Department and the appropriate RWQCB shall collaboratively prepare a  
10 report setting forth ~~the Department's~~ a jointly-proposed watershed management plan  
11 incorporating the findings and recommendations from the activities identified pursuant to (a1)  
12 above. The report shall be jointly submitted to the Board and the appropriate RWQCB. The  
13 report shall be made available to the public upon request and placed on the Boards' website for  
14 a 90-day period.

15           **(cC)** The Board and the appropriate RWQCB shall jointly consider approving or  
16 adopting the proposed watershed management plan. If the two boards jointly approve or adopt  
17 the watershed management plan, and it includes ~~Where the Department has recommended that~~  
18 ~~the adoption of~~ provisions for watershed specific forest practices ~~rules is needed,~~ the Board  
19 shall consider ~~that recommendation~~ the watershed management plan as a proposal for  
20 rulemaking under the Administrative Procedures Act (Section 11340 et. seq. Gov Code) and  
21 shall begin that process within 180 days following ~~receipt of that report~~ adoption or approval of  
22 the plan.

23           **(dD)** ~~These~~ watershed management plan, including its specific rules shall be  
24 developed in collaboration with ~~the appropriate RWQCB,~~ the landowner(s) or designee with land  
25

---

1 in the planning watershed(s), and other persons or groups within the watershed, and may also  
2 be incorporated into a TMDL implementation plan.

3 **(eE)** The watershed ~~specific rules~~ management plan shall remain in effect until  
4 the water body has been removed from the 303(d) list, or that the Board finds, after consulting  
5 with the appropriate RWQCB, that timber operations are no longer a significant source of the  
6 pollutant or stressor that limits water quality in the listed water body.<sup>61</sup>

7 **(F)** Include in the management plan the goal of restoring impaired beneficial uses  
8 of water and degraded beneficial functions of riparian zones higher consideration than the goal  
9 of maximizing timber production, especially in any WLPZ or in any EEZ or ELZ designated for  
10 protection of the quality and beneficial uses of water.<sup>62</sup>

11  
12  
13 <sup>61</sup> **916.12(b)(2)(A -E)** Issue: Proactive process to restore already-impaired beneficial uses.

14 This new subsection is essentially an amendment of existing 916.12. A watershed management plan  
15 such as anticipated here can be deemed to be a component (or satisfy the requirements) of the  
16 subsequent TMDL implementation plan that will be incorporated into the applicable water quality  
17 control plan.

18 <sup>62</sup> **916.12(b)(3)**

19 Issue: Balancing mandates for water quality and timber production

20 1. This requirement balances the respective resource mandates of Water Boards and BOF in a  
21 manner consistent with applicable legal requirements. The Water Board mandates, goals and  
22 requirements for beneficial use restoration supersede those of the Forest Practice Act and Rules  
because: i) they are imposed by the federal Clean Water Act and associated federal regulations  
which supersede any State requirements, and ii) they are set forth, in part, in water quality  
control policies and water quality control plans, both of which are binding on State agencies and  
potential dischargers.

23 2. The "beneficial functions of riparian zones", WLPZs, EEZs, and ELZs are given special  
24 attention because: i) they are immediately adjacent to water bodies, ii) their functions are  
critical to and intimately interrelated with water body conditions, so that iii) disturbance  
within those zones can directly impact beneficial uses of water. However, the focus is not  
exclusively on these zones because timber operations (especially roads and landings) in other  
areas (especially sensitive sediment sources) can cause discharges which these zones cannot fully  
mitigate.

1 (4) Comply with the following prescriptive requirements (to be developed)<sup>63</sup>

2 (A) Requirements for sediment-limited waters (reference to appropriate provisions of  
3 916.9, plus appropriate additional provisions)

4 (B) Requirements for temperature-limited waters (Reference to appropriate  
5 provisions of 916.9, plus appropriate additional provisions)

---

24 <sup>63</sup> **916.12 (b)(4)** This section represents potential prescriptive standards that have been or will  
25 be submitted by State or Regional Water Quality Control Boards which are necessary to meet  
requirements for 303(d) listed waterbodies. They would be applicable to 303(d)-listed waters  
without a TMDL implementation plan when no proactive approach are established pursuant to 916.12  
(b)1).

1 **(c) [OPTIONAL AMENDMENT24 ] Addressing Cumulative Effects on Already-**  
2 **Impaired Beneficial Uses**<sup>64</sup>

3 (1) When assessing site specific or cumulative impacts of proposed timber operations  
4 on 303(d)-listed water bodies, the RPF shall:<sup>65</sup>]

5 (A) Assess current watershed condition and sensitivity, the existing stressors or  
6 pollutants from past natural events, the existing and foreseeable stressors and pollutants from  
7 rates of anthropogenic watershed disturbance, and the degree to which discharges from the  
8 proposed operations may interact with such stressors or pollutants to further impair a  
9 waterbody's beneficial uses:<sup>66</sup>

10 (B) Assume that, absent additional or enhanced measures, discharges from the  
11 proposed timber operations will contribute to existing and future cumulative effects unless there  
12 is clear evidence to the contrary:<sup>67</sup>

13  
14  
15 <sup>64</sup> 916.12(c)

16 Issue: Addressing cumulative impacts from existing stressors and pollutants

17 New 916.12(c) has been modified from existing 898. CEQA concepts and language have been replaced  
18 with more appropriate water quality concepts and language (e.g., attainment of water quality  
19 standards) because CEQA standards of review are superseded by water quality standards of review  
in this situation. The FPC has indicated that it wishes to modify this proposal to limit  
Cumulative impact assessment to specific "Planning Watersheds" within the entire 303 (d)  
waterbody.

20 <sup>65</sup> New subsection 916.12(c)(1) reduces the burden on a plan preparer by allowing an RPF to not re-  
21 address cumulative effect issues in a THP to the degree that they have been already been resolved  
through a watershed management plan developed pursuant to 916.12(b)(1).

22 <sup>66</sup> New subsection 916.12(c)(1)(A) requires assessment of the effects of past natural events on  
23 current water body condition, not just effects of past projects per CEQA. It also requires  
assessment of existing and foreseeable cumulative effects due to anthropogenic watershed  
disturbance. It places no artificial limitations on how far upstream or downstream a cumulative  
effects analysis or related measures should extend.

24 <sup>67</sup> Consistent with CEQA, new subsection 916.12(c)(1)(B) precludes the assumption that typical  
25 measures will prevent, or not contribute to, cumulative effects. It also embodies the position  
that 303(d)-listed water bodies already suffer from cumulative effects and so, absent evidence to  
the contrary, are likely to need additional or enhanced measures to attain water quality  
standards.

1            (C) Propose additional or enhanced measures that are necessary and sufficient to  
2 actively contribute both to improvement of the beneficial uses of water and to attainment of  
3 water quality standards in the listed portion of the waterbody. Plan submitters are encouraged,  
4 but not required, to undertake the additional measures to restore and enhanced the beneficial  
5 use the water. CAL FIRE may advise plans submitters on measures which could be undertaken  
6 at the plan submitters optiond to further restore an enhanced the beneficial uses of water <sup>68</sup>  
7 Both the assessment and the proposed measures may be based on the assessment and  
8 measures in a watershed management plan prepared in accordance with 916.12(b) (1). To the  
9 degree that cumulative effect issues are satisfactorily addressed by such watershed  
10 management plans, they need not be addressed again by the plan preparer.

11            (2) The Director's evaluation of such effects and restoration measures will be done in  
12 consultation with the appropriate RWQCB. <sup>69</sup>  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

---

23 <sup>68</sup> New subsection 916.12(c)(1)(C) replaces the requirement for measures that are only "feasible",  
24 with measures that are "necessary and sufficient" to contribute to attainment of water quality  
25 standards. It does not allow the recovery of impaired beneficial uses to be impeded. Note  
language that that make implementation of restoration requirement optional (similar to section  
913.10

<sup>69</sup> Subsection 916.12(c)(2) repeats the provisions of existing 898 regarding the Director's review.

1 **(c ) [OPTIONAL AMENDMENT25 ]<sup>70</sup> Addressing Cumulative Effects on Already-**  
2 **Impaired Beneficial Uses**

3 When assessing cumulative impacts of a proposed project on any portion of a waterbody  
4 that is located within or downstream of the proposed timber operation and that is listed as water  
5 quality limited under Section 303(d) of the Federal Clean Water Act, the RPF shall assess the  
6 degree to which the proposed operations would result in impacts that may combine with existing  
7 listed stressors to impair a waterbody's beneficial uses, thereby causing a significant adverse  
8 effect on the environment. The plan preparer shall provide feasible mitigation measures to  
9 reduce any such impacts from the plan to a level of insignificance, and may provide measures,  
10 insofar as feasible, to help attain water quality standards in the listed portion of the waterbody.  
11 The Director's evaluation of such impacts and mitigation measures will be done in consultation  
12 with the appropriate RWQCB.

25 <sup>70</sup> Uses existing language found in section 898, with no additions or deletions. Would delete  
portion of section 898 that is reinstated here.

1 **923.9, 943.9, 963.9 Roads and Landings in Watersheds with Threatened or Impaired**  
2 **Values Endangered Anadromous Salmonids [All Districts]**

3 In addition to all other district Forest Practice Rules, the following requirements shall  
4 apply in any planning watershed with threatened or ~~Impaired Values~~ Endangered Anadromous  
5 Salmonids.<sup>71</sup>

6 **(a)** Where logging road or landing construction or reconstruction is proposed, the  
7 plan shall state the location of, and specifications for, logging road and landing abandonment or  
8 other mitigation measures to minimize the adverse effects of long-term site occupancy of the  
9 road system within the watershed.<sup>72</sup>

10 **(b)** Unless prohibited by existing contracts with the U.S.D.A. Forest Service or other  
11 federal agency, new and reconstructed logging roads shall be no wider than a single-lane  
12 compatible with the largest type of equipment specified for use on the road, with adequate  
13 turnouts provided as required for safety. The maximum width of these roads shall be specified  
14 in the plan. These roads shall be outsloped where feasible and drained with water breaks or  
15 rolling dips (where the road grade is inclined at 7 percent or less), in conformance with other  
16 applicable Forest Practice Rules.

---

23 <sup>71</sup> Name change to be consistent with the actual intent of these rules.

24 <sup>72</sup> Rule section modified for specificity to apply to logging roads and  
25 landings.

1 ~~(c)~~ — The following shall apply on slopes greater than 50%:

2 ~~—— (1) — Specific provisions of construction shall be identified and described for all new~~  
3 ~~roads.~~

4 ~~(2) — Where cutbank stability is not an issue, roads may be constructed as a full-~~  
5 ~~benched cut (no fill). Spoils not utilized in road construction shall be disposed of in stable areas~~  
6 ~~with less than 30 percent slope and outside of any WLPZ, EEZ, or ELZ.~~

7 ~~(3) — Alternatively, roads may be constructed with balanced cuts and fills if properly~~  
8 ~~engineered, or fills may be removed with the slopes recontoured prior to the winter period.~~

9 (c ) On slopes greater than 50 percent that have access to a watercourse or lake:

10 (A) — Where cutbank stability is not an issue, logging roads may be constructed  
11 as a full-benched cut (no fill). Spoils not utilized in logging road construction shall be disposed  
12 of in stable areas with less than 30 percent slope outside of any WLPZ, EEZ, or ELZ designated  
13 for watercourse or lake protection.

14 (B) — Logging roads may be constructed with balanced cuts and fills:

15 (i) — If properly engineered.

16 (ii) — If fills are removed and the slopes recontoured prior to the winter  
17 period.<sup>73</sup>

25 <sup>73</sup> Modifies T or I existing requirements so they apply only to such slopes with access (i.e., requires link) to a watercourse or lake. Other grammatical reorganization also completed with no substantive changes.

1  
2 —(d) In addition to the provisions listed under 14 CCR 923.1(e) [943.1(e), 963.1(e)], all  
3 permanent or seasonal logging roads with a grade of 15% or greater that extends 500  
4 continuous feet or more shall have specific erosion control measures stated in the plan.

5 (e) Where situations exist that elevate risks to the values set forth in 14 CCR 916.2(a),  
6 [936.2(a), 956.2(a)] (e.g., road networks are remote, the landscape is unstable, water  
7 conveyance features historically have a high failure rate, culvert fills are large) drainage  
8 structures and erosion control features shall be oversized, low maintenance, or reinforced, or  
9 they shall be removed before the completion of the timber operation. The method of analysis  
10 and the design for crossing protection shall be included in the plan.

11 (e) [OPTIONAL AMENDMENT 26 ]: Where logging road networks are remote or are located  
12 where the landscape is unstable, where crossing fills over culverts are large, or where logging  
13 road watercourse crossing drainage structures and erosion control features historically have a  
14 high failure rate, drainage structures and erosion control features shall be oversized, designed  
15 for low maintenance, reinforced, or removed before the completion of the timber operation. The  
16 method of analysis and the design for crossing protection shall be included in the plan. <sup>74</sup>

17 (f) The provisions of 14 CCR 923.9 [943.9, 963.9] shall not apply to a plan that is subject to  
18 an approved Incidental Take Permit Habitat Conservation Plan, Natural Communities  
19 Conservation Plan, or Incidental Take Permit that addresses anadromous salmonid  
20 protection. <sup>75</sup>

21 ~~(g) This section shall expire on December 31, 2007.~~

22 <sup>74</sup> Clarifies the criteria to be used (eliminates reference to specified values in 916.2(a) and  
23 examples). Also clarifies that the methods of correction are stand alone options (not additive)

24 <sup>75</sup> This expands provisions of 923.9(f) to include NCCPs and assumes that these State and Federal  
25 documents and associated permits that address anadromous salmonid protection would be adequate  
(based on approved PALCO, Green Diamond and Draft MRC conservation agreements)